

REMARKS

In response to the Final Official Action mailed November 30, 2005, Applicants respectfully request reconsideration. In this Response, no claims are added or canceled, so that claims 1, 3-6, 8-11, 13-16, and 18-20 remain pending. Claims 1, 3-6, 8-11, 13-16, and 18-20 stand rejected. No claims are amended.

I. 35 U.S.C. § 103 Obviousness Rejection of Claims

The Official Action rejects claims 1, 3-6, 8-11, 14-16, and 19-20 under 35 U.S.C. § 103(a) as being unpatentable over *Neeman et al.* (U.S. Patent No. 5,588,147, hereinafter “*Neeman*”) in view of *Multer et al.* (U.S. Patent No. 6,694,336, hereinafter “*Multer*”), in further view of *San Andres et al.* (U.S. Patent No. 5,956,489, hereinafter “*San Andres*”). Applicants presume claims 13 and 18 are also rejected as unpatentable over *Neeman* in view of *Multer* and *San Andres*, as those claims are also discussed in the rejection. Applicants respectfully request clarification of this ambiguity if the rejection is maintained in subsequent Official Actions. Applicants respectfully traverse the rejection.

The combination of *Neeman*, *Multer*, and *San Andres* fails to teach or suggest all of the limitations of claim 1. “To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” MPEP § 2143.03. For example, the combination of *Neeman*, *Multer*, and *San Andres* fails to teach or suggest “determining whether reconciling said first and said second file trees creates an unresolvable loop in at least one of said first and said second file trees.” With respect to these recitations, the Examiner cites *San Andres* at column 23, lines 9-28, which states, in part, “when an unresolvable conflict

occurs, [the dispatcher 710] shuts down the server 120.” The conflict to which this passage refers is a processing conflict among application servers, where two application servers give different results for the same transaction. (Column 2, ll. 53-64 of *San Andres*). For example, upon completion of an update transaction one server may return “success” while another returns “failure.” (Abstract of *San Andres*). These conflicts are not dependency loops. Thus an “unresolvable conflict” is clearly unlike an “unresolvable loop” in a file tree. An unresolvable loop in a file tree may occur, for example, when a first file becomes the ancestor of a second file, but the second file is also the ancestor of the first file. Thus, *San Andres* does not teach or suggest an unresolvable loop within the context of a file tree. Accordingly, the combination of *Neeman*, *Multer*, and *San Andres* also fails to teach or suggest every limitation of claim 1. For at least this reason, *prima facie* obviousness has not been established.

The combination of *Neeman*, *Multer*, and *San Andres* also fails to teach or suggest “reconciling said first and said second file trees using said first and said second set of said change logs.” With respect to these recitations, the Examiner cites *Neeman* at column 1, lines 51-56, and column 2, lines 5-8, which state “[t]he reconciler facility is used to reconcile the first copy of the group of files with the second copy of the group of files so that the second copy of the group of files incorporates any changes made to the first copy of the group of files since last reconciled” and “[a]ny changes made to the first copy of the group of files are incrementally sent to the second computer system so that the changes may be made to the second copy of the group of files.” These cited portions mention only reconciling the first copy of the group of files and say nothing of reconciling the second copy of the group files, *i.e.*, changes made to the *second* copy being sent to the *first* copy. Replication in *Neeman* is one way and is not two-way

replication, which is stated. *Neeman* states “[d]uring replication, changes are propagated from one replica to another. **Replication is “one way”** in that the changes made to an initial copy of an object set are made to a second copy of the object set. There is no immediate reciprocal action to copy the changes made to the second copy of the object set to the first copy of the object set.” (Column 8, lines 43-48; emphasis added). Thus, *Neeman* in view of *Multer* and *San Andres* fails to teach or suggest reconciling both the first *and* the second file trees. For at least this reason, *prima facie* obviousness has not been established.

Moreover, there is no motivation to combine *Neeman*, *Multer*, and *San Andres* as suggested by the Examiner. “To establish a *prima facie* case of obviousness there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.” MPEP § 2143. The Examiner contends that *Multer* may be combined with *Neeman* to teach “determining a second set of changes to make to the second file tree using the first change log.” However, as previously discussed, *Neeman* discloses that reconciliation occurs in merely one direction, *i.e.*, changes from the second group are incorporated to the first group and not *vice versa* (See column 8, lines 43-48 of *Neeman*). Because reconciliation is not reciprocated in *Neeman*, there is no desirability to determine a second set of changes to make to the second file tree, as allegedly taught by *Multer*. *San Andres* does not teach reconciliation in a file tree. Accordingly, there is no motivation to make the proposed modification. For at least this reason, *prima facie* obviousness has not been established.

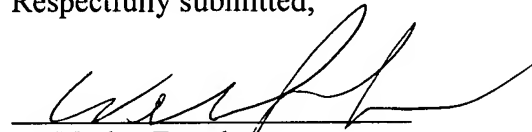
Claims 6, 11, and 16 are not unpatentable over *Neeman*, *Multer*, and *San Andres* or any combination of them for at least the same reasons that claim 1 is patentable over them. Claims

3-5, 8-10, 13-15, and 18-20 depend upon claims 1, 6, 11, and 16 respectively and therefore are not unpatentable over *Neeman*, *Multer*, and *San Andres* or any combination of them for at least the same reasons that claims 1, 6, 11, and 16 are not unpatentable over them.

VI. Conclusion

In view of the foregoing comments, Applicants respectfully submit that the present Response places the above-referenced application in condition for allowance, and thus, a swift allowance is respectfully requested so that the application may swiftly pass to issue.

Respectfully submitted,


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